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PTO-1390

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

1032013-000129

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/549,326

INTERNATIONAL APPLICATION NO.

PCT/FR2004/000617

INTERNATIONAL FILING DATE

March 12, 2004

PRIORITY DATE CLAIMED

March 18, 2003

TITLE OF INVENTION

METHOD AND DEVICE FOR RAPID AND HIGH-POWER COLD PRODUCTION

APPLICANT(S) FOR DO/EO/US

SPINNER, Bernard; STITOU, Driss; BERTRAND, Olivier

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission to items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (22) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 21 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: A copy of the Notification of Missing Requirements; Response to Notification of Missing Requirements

RECEIVED

U.S. APPLICATION NO. (If known, see 37 CFR 1.53) <b>N/A</b>	INTERNATIONAL APPLICATION NO. <b>PCT/FR2004/000617</b>	ATTORNEY'S DOCKET NUMBER <b>1032013-000129</b>
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21. <input type="checkbox"/> Applicant(s) requests that the published application include the following assignment information: _____ _____ _____ _____ _____ _____	<b>CALCULATIONS PTO USE ONLY</b>																																							
22. <input checked="" type="checkbox"/> The following fees are submitted: Basic Filing Fee (1631) _____ Surcharge of <b>\$130.00 (1617)</b> for furnishing the oath or declaration later than _____ <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)). <span style="float: right;">\$ 130.00</span> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:25%;">CLAIMS</th> <th style="width:25%;">NUMBER FILED</th> <th style="width:25%;">NUMBER EXTRA</th> <th style="width:25%;">RATE</th> <th style="width:20%;">\$</th> </tr> <tr> <td>Total Claims</td> <td>-20 =</td> <td>0</td> <td>x \$50.00 (1615)</td> <td>\$ 0.00</td> </tr> <tr> <td>Independent Claims</td> <td>-3 =</td> <td>0</td> <td>x \$200.00 (1614)</td> <td>\$ 0.00</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$360.00 (1616)</td> <td></td> </tr> <tr> <td colspan="3">Examination Fee</td> <td>+ \$200.00 (1633)</td> <td></td> </tr> <tr> <td colspan="3">Search Fee</td> <td>+ \$400.00 (1632)</td> <td></td> </tr> <tr> <td colspan="3">App. Size Fee (add \$250.00 for each add'l 50 sheets exceeding 100 sheets)</td> <td></td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL OF ABOVE CALCULATIONS</td> <td>\$ 130.00</td> </tr> </table> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. <span style="float: right;">+ \$ 0.00</span> SUBTOTAL = <span style="float: right;">\$ 130.00</span> Processing fee of <b>\$130.00 (1618)</b> for furnishing the English translation later than _____ <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). <span style="float: right;">\$ 0.00</span> TOTAL NATIONAL FEE = <span style="float: right;">\$ 130.00</span> Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00 (8021)</b> per property + TOTAL FEES ENCLOSED = <span style="float: right;">\$ 130.00</span> <div style="text-align: right;">           Amount to be refunded :            charged :         </div>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	Total Claims	-20 =	0	x \$50.00 (1615)	\$ 0.00	Independent Claims	-3 =	0	x \$200.00 (1614)	\$ 0.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00 (1616)		Examination Fee			+ \$200.00 (1633)		Search Fee			+ \$400.00 (1632)		App. Size Fee (add \$250.00 for each add'l 50 sheets exceeding 100 sheets)					TOTAL OF ABOVE CALCULATIONS				\$ 130.00
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TOTAL OF ABOVE CALCULATIONS				\$ 130.00																																				

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a. ☐ A check in the amount of \_\_\_\_\_ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 02-4800 in the amount of \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4800. A duplicate copy of this sheet is enclosed.

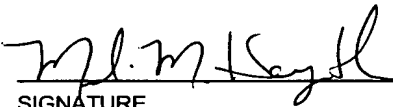
d. ☒ Charge \$ 130.00 to credit card. Form PTO-2038 is attached.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

Buchanan Ingersoll PC  
 Including attorneys from Burns, Doane, Swecker & Mathis  
 P.O. Box 1404  
 Alexandria, Virginia 22313-1404  
 (703) 836-6620

  
 SIGNATURE  
 \_\_\_\_\_  
 NAME  
 Melissa M. Hayworth  
 \_\_\_\_\_  
 45,774      Febraury 3, 2006  
 REGISTRATION NO.      DATE



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/549,326	Bernard Spinner	032013-129

21839  
BUCHANAN INGERSOLL PC  
(INCLUDING BURNS, DOANE, SWECKER & MATHIS)  
POST OFFICE BOX 1404  
ALEXANDRIA, VA 22313-1404

INTERNATIONAL APPLICATION NO.	
PCT/FR04/00617	
I.A. FILING DATE	PRIORITY DATE
03/12/2004	03/18/2003

CONFIRMATION NO. 8226  
371 FORMALITIES LETTER



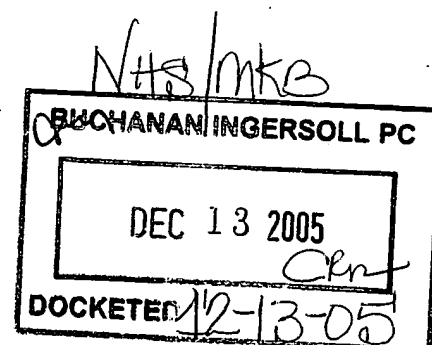
\*OC000000017634411\*

Date Mailed: 12/12/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/16/2005
- English Translation of the IA filed on 09/16/2005
- Copy of the International Search Report filed on 09/16/2005
- Preliminary Amendments filed on 09/16/2005
- Information Disclosure Statements filed on 09/16/2005
- Oath or Declaration filed on 09/16/2005
- Request for Immediate Examination filed on 09/16/2005
- U.S. Basic National Fees filed on 09/16/2005
- Priority Documents filed on 09/16/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Missing Parts Due 2-12-06

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/549,326	PCT/FR04/00617	032013-129

FORM PCT/DO/EO/905 (371 Formalities Notice)

Rec'd PCT/PTO 03 FEB 2006

10/549326

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Driss Stitou et al.

Application No.: 10/549,326

International Filing Date: March 12, 2004

For: METHOD AND DEVICE FOR RAPID  
AND HIGH-POWER COLD  
PRODUCTION

Group Art Unit:

Examiner:

Confirmation No.: 8226

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. § 371**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. § 371, Applicants submit the attached executed declaration and the surcharge of \$130.

In this regard, please note that inventor Bernard Spinner is deceased. Accordingly, pursuant to 37 C.F.R. § 1.421 and MPEP § 409.01(a), his heirs have signed on his behalf as heirs and legal representatives to Bernard Spinner.

Applicants submit herewith the attached executed declaration indicating the relationship between the heirs and the deceased inventor and the heirs' citizenships, residences, and mailing addresses, as required under 37 C.F.R. § 1.497(b)(2).

The five heirs are as follows:

Bruno Spinner  
1 rue Rabelais  
F-34690 Fabreges

Caroline Spinner Brossard  
19 Lotissement Las Trados  
F-09000 Brassac

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- 7 JUL 2006

Legal Staff  
International Division

Anne Christel Spinner Kohler  
Domaine d'Aussieres  
F-11100 Narbonne

Camille Spinner  
228, avenue A. Einstein  
F-66100 Perpignan

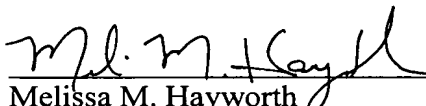
Martin Spinner  
228, avenue A. Einstein  
F-66100 Perpignan

Please note that one of the heirs, Camille Spinner, is a minor, and her mother, Nathalie Mazet, has signed on her behalf.

As the heirs to Bernard Spinner's estate, Bruno Spinner, Caroline Spinner Brossard, Anne Christel Spinner Kohler, Martin Spinner and Nathalie Mazet (on behalf of minor heir Camille Spinner) have executed the attached oath/declaration in place of Bernard Spinner.

If there are any questions regarding this submission, please contact the undersigned.

Respectfully submitted,  
BUCHANAN INGERSOLL PC

By:   
Melissa M. Hayworth  
Registration No. 45,774

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: February 3, 2006